

ORDINANCE NO. 30-2007

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK, CHAPTER 30, ENTITLED "TRAFFIC AND MOTOR VEHICLES", ARTICLE I, "IN GENERAL", SECTION 30-2 ENTITLED "PROHIBITED PARKING"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida ("Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission has adopted general provisions pertaining to traffic and motor vehicles, including parking regulations and offenses, which have been codified at Chapter 30, Article I, of the Code of Ordinances; and

WHEREAS, the Town Commission has determined that it is in the best interests of the Town and the public safety and general welfare of its residents, to amend the current parking regulations set forth in Section 30-2 of the Town Code, to prohibit parking in additional areas, which regulations will be consistent in part, with the provisions of the State Uniform Traffic Control Law pertaining to stopping, standing and parking of vehicles in specified places (i.e., Chapter 316, Section 315.1945, Fla. Stat.); and

WHEREAS, Town staff has recommended to the Town Commission that Code Sections 30-2 of Chapter 30, Article I, be amended to prohibit the parking of vehicles in specified places, such as on the sides of roadways and edges of curbs, on sidewalks, within intersections, on crosswalks, between safety zones and the adjacent curb, alongside street excavation or obstructions, on railroad tracks, on bridges or elevated structures, within tunnels, on bike paths or exclusive bike lanes, and other areas as specified herein; and

WHEREAS, the Town Commission has reviewed the recommendations of the Town staff and has determined that amending Section 30-2 of Chapter 30, Article I, of the Town's Code of Ordinances is necessary to further the public health, safety and general welfare.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The whereas clauses are incorporated herein as true and correct findings of fact and conclusions of law of the Town Commission.

Section 2. Chapter 30, Article I, Section 30-2 of the Code of Ordinances of the Town of Lake Park, Florida are hereby amended to read as follows:

Sec. 30-2. Prohibited parking.

(a) *Streets and service alleys.*

- (1) The on-street parking on any portion of Park Avenue is strictly prohibited except in designated parking stalls or areas which are designated by town signage for the temporary stopping or standing of motor vehicles for the limited purpose of passenger drop-off and pick-up.
- (2) No parking shall be permitted on the 100 block of East Jasmine Drive, between the hours of 6:00 a.m. and 6:00 p.m., except Sundays and holidays.
- (3) No parking shall be permitted at any time within the 700, 800 and/or 900 block service alleys, except in designated parking stalls approved by the town commission.
- (4) No parking shall be permitted at any time along the eastern side of Miller Way.
- (5) No parking shall be permitted at any time along the eastern side of Reed Road.
- (6) No parking shall be permitted at any time along the eastern side of Brant Road.
- (7) No parking shall be permitted at any time along the eastern side of 12th Street.
- (8) No parking shall be permitted at any time along the eastern side of 13th Street.
- (9) No parking shall be permitted at any time along the eastern side of 14th Street.
- (10) No parking shall be permitted at any time along the eastern side of 15th Street.
- (11) No parking shall be permitted at any time along the southern side of Newman Road.
- (12) No parking shall be permitted at any time along the southern side of Kinetic Road.
- (13) No parking shall be permitted at any time on 10th Street between Park Avenue and Northlake Blvd.
- (14) No parking shall be permitted at any time on Watertower Road.
- (15) No parking shall be permitted at any time on Gateway Road.
- (16) No parking shall be permitted at any time on South Killian Drive.

- (17) No parking shall be permitted at any time on West Killian Drive.
- (18) No parking shall be permitted at any time on North Killian Drive.
- (19) No parking shall be permitted at any time on 10th Court.
- (20) Parking shall be permitted along 10th Street between Park Avenue and Silver Beach Road only in designated parking stalls or areas which are designated by town signage.

~~(b) Parks, street medians and swales.—~~

- ~~(1) No parking shall be permitted within public parks throughout the town except in designated parking areas.~~
- ~~(2) No parking shall be permitted at any time on public median areas such as those on Seminole Boulevard, Flagler Boulevard, Sixth Street and Date Palm Drive.~~
- ~~(3) No parking shall be permitted at any time in the swale area adjacent to a:~~
 - ~~a. Commercial site;~~
 - ~~b. Multifamily residential site other than a duplex; or~~
 - ~~c. Site on public property where posted by the town.~~
- ~~(4) No parking shall be permitted at any time in the swale area adjacent to any single family or duplex site within the one block area immediately west of U.S. Highway 1 between Palmetto Road on the north and Silver Beach Road on the south. In other residential areas, parking in the swale area adjacent to a single family or duplex site is prohibited between 8:00 a.m. and 6:00 p.m.~~

(b) Stopping, standing, or parking prohibited in specified places.

The definitions contained in Section 316.003, Fla. Stat., as amended from time to time, are incorporated herein by reference as if fully set forth herein, and shall be applicable to this section.

- (1) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police or law enforcement officer or official traffic control device, no person shall:

(a) Stop, stand, or park a vehicle:

- 1. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- 2. On a sidewalk.
- 3. Within an intersection.
- 4. On a crosswalk.
- 5. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the Department of Transportation indicates a different length by signs or markings.
- 6. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic.
- 7. Upon any bridge or other elevated structure upon a highway.
- 8. On any railroad tracks.
- 9. At any place where official traffic control devices prohibit stopping.

- (b) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

- 1. In front of a public or private driveway.

2. Within 15 feet of a fire hydrant.
 3. Within 20 feet of a crosswalk at an intersection.
 4. Within 30 feet upon the approach to any flashing signal, stop sign, or traffic control signal located at the side of a roadway.
 5. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of such entrance (when property signposted).
 6. On an exclusive bicycle lane.
 7. At any place where official traffic control devices prohibit standing.
- (c) Park a vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers:
1. Within 50 feet of the nearest rail of a railroad crossing unless the Department of Transportation establishes a different distance due to unusual circumstances.
 2. At any place where official signs prohibit parking.
- (2) No parking shall be permitted within public parks throughout the town except in designated parking areas.
- (3) No parking shall be permitted at any time on public median areas such as those on Seminole Boulevard, Flagler Boulevard, Sixth Street and Date Palm Drive.
- (4) No parking shall be permitted at any time in the swale area adjacent to a:
- a. Commercial property or site;
 - b. Multifamily residential property or site other than a duplex; or
 - c. Site on public property where posted by the town.
- (5) No parking shall be permitted at any time in the swale area adjacent to any single family or duplex site within the one block area immediately west of U.S. Highway 1 between Palmetto Road on the north and Silver Beach Road on the south. In other residential areas, parking in the swale area adjacent to a single-family or duplex site is prohibited between 8:00 a.m. and 6:00 p.m.
- (6) No person shall move a vehicle not lawfully under his or her control into any such prohibited area or away from a curb at a distance which is unlawful.
- (7) A law enforcement officer, parking enforcement specialist, or a code enforcement officer who discovers a vehicle parked in violation of this section or other municipal or county ordinance may:
- (a) Issue a citation or ticket in a form supplied by the Town of Lake Park to (as applicable under the circumstances) the driver, the private property owner, or to the owner of the vehicle; or
 - (b) In the event the vehicle is unattended, the enforcing officer may attach the citation or ticket to the vehicle in a conspicuous place.
- (8) Any person who is issued parking ticket or citation by a law enforcement officer, parking enforcement specialist, or a code enforcement officer is deemed to be charged with a non-criminal violation and shall comply with the directions on the citation or ticket. If payment is not received or a response to the citation or ticket is not made within the time period specified thereon, the registered owner of the vehicle or other person that was cited, shall

comply with the notice of hearing requirements on the citation and appear before the town's special magistrate on the date and at the time specified on the citation or ticket.

(9) Any person who elects to appear before the town's special magistrate to present evidence waives his or her right to pay the civil penalty provisions of the citation or ticket. The special magistrate, after a hearing, shall make a determination as to whether a parking violation has been committed and may impose a civil penalty not to exceed the fine amount designated by Town resolution, plus hearing and administrative costs. Any person who fails to pay the civil penalty within the time allowed by the special magistrate is deemed to have been convicted of a parking citation/ticket violation, and the town may take appropriate measures to enforce collection of the fine.

(c) *Exemptions.* The provisions of this section shall not apply to:

- (1) Emergency vehicles such as police, fire or emergency medical vehicles;
- (2) Vehicles of school crossing guards while on duty and parked adjacent to a school crossing; and
- (3) Vehicles involved in servicing utility and infrastructure facilities such as roads, traffic signaling, water, sewer, electric, cable television and telephone services.
- (4) In industrial areas with the exception of Watertown Road and 10th Street between Park Ave and Northlake Blvd delivery trucks with six wheels or more may stand or park for the sole purpose of loading, unloading or waiting to access an off-street loading area. All such delivery trucks shall be attended while they stand or park. At no time shall a waiting truck block access to any driveway or limit the free flow of traffic along the street.

Section 3. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. **Repeal of Laws in Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. **Codification.** The sections of the Ordinance may be made a part of the Town Code of Laws and Ordinances and may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Section 6. **Effective Date.** This Ordinance shall take effect immediately upon adoption.

Upon First Reading this 28 day of November, 2007,
the foregoing Ordinance, was offered by Commissioner Carey who moved
its approval. The motion was seconded by Commissioner Osterman, and being
put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	<u>X</u>	_____
VICE MAYOR ED DALY	<u>X</u>	_____
COMMISSIONER CHUCK BALIUS	<u>X</u>	_____
COMMISSIONER JEFF CAREY	<u>X</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>X</u>	_____

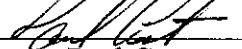
PUBLISHED IN THE PALM BEACH POST THIS 2 DAY OF December, 2007

Upon Second Reading this 19 day of December, 2007, the foregoing
Ordinance, was offered by Commissioner Carey who moved its
adoption. The motion was seconded by Commissioner Balius, and being
put to a vote, the result was as follows:

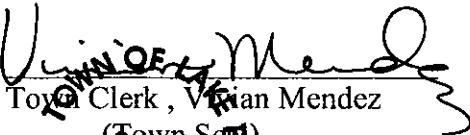
	AYE	NAY
MAYOR PAUL CASTRO	<u>X</u>	_____
VICE MAYOR ED DALY	<u>Absent</u>	_____
COMMISSIONER CHUCK BALIUS	<u>X</u>	_____
COMMISSIONER JEFF CAREY	<u>X</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>X</u>	_____

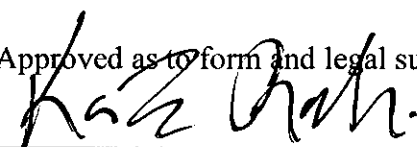
The Mayor thereupon declared **Ordinance No. 30-2007** duly passed and adopted
this 19 day of December, 2007.

TOWN OF LAKE PARK, FLORIDA

BY: 
Mayor, Paul Castro

ATTEST:


Town Clerk, Vian Mendez
(Town Seal)
SEAL
FLORIDA

Approved as to form and legal sufficiency:

Sgt Town Attorney, Thomas J. Baird